

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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|-------------------------|---|-------------------------------|
| DARRYL V. LYONS, | : | Civil No. 1:21-cv-1892 |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| JOHN E. WETZEL, | : | |
| | : | |
| Defendant. | : | Judge Sylvia H. Rambo |

ORDER

Before the court is Magistrate Judge Schwab’s Report and Recommendation (Doc. 13) which recommends, upon a careful screening of the complaint, that the court dismiss the complaint and close this case. No objections have been filed to the report.

In considering whether to adopt a report and recommendation when no objections have been filed, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (explaining that judges should review dispositive legal issues raised by the report for clear error). Following an independent review of the record and upon a careful review of the report and recommendation, the court is satisfied that the report and

recommendation contains no clear error and will therefore adopt the recommendation. Accordingly, **IT IS HEREBY ORDERED AS FOLLOWS:**

- 1) The Report and Recommendation (Doc. 13) is ADOPTED;
- 2) The complaint is DISMISSED pursuant to 28 U.S.C. § 1915A for failure to state a claim upon which relief can be granted and because the Eleventh Amendment bars some of its claims; and
- 3) The Clerk of Court is DIRECTED to close this case.

s/Sylvia H. Rambo
Sylvia H. Rambo
United States District Judge

Dated: April 13, 2022